THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6982 of 2006

Dated: 06.06.2006

Between
Pallela Ranga Rao

…..Petitioner

and

1. The District Collector, Warangal, Warangal District.
   and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6982 of 2006

ORDER:

This writ petiton is directed against an order made on 21.02.2006 by the District Collector, Warangal, confirming the order passed by the Joint Collector, Warangal, wherein the order

passed by the Revenue Divisional Officer canceling the authorization of the fair price shop of the petitioner was confirmed.

The only allegation seems to be that the petitioner has not been residing in the village for the last one year and he has not been distributing the goods personally and the goods are being distributed through his brother in law. Further, his name does not appear in the voters' list. After conducting a detailed enquiry, the Revenue Divisional Officer has passed an order holding that the petitioner has not been residing in the village for the last one year and the goods are being distributed through some other person and the name of the petitioner appeared in the voters' list of another village. Aggrieved by the same, he has filed an appeal before the Joint Collector and the same was dismissed. Hence, he preferred a revision before the District Collector and the same was also dismissed. Therefore, the present writ petition has been preferred.

This is not a case where any irregularities are pointed out in the distribution of goods in the Public Distribution System. This is purely a case where the petitioner is alleged to have not been residing in the village and not directly dealing with affairs of the fair price shop.

Learned counsel for the petitioner strenuously contended that the petitioner submitted an explanation stating that he himself is dealing with the affairs of the fair price shop and he is residing in the village and his name in the voters' list of 1999-2000 would amply prove that he is resident of the same village. This aspect was not properly considered by the respondents. Apart from that, in a given case, the distribution can be made by a third person on

behalf of the authorized dealer, if required. These things were not taken into consideration while passing the order impugned.

In view of the foregoing discussion, I am of the opinion that except the Mandal Revenue Officer's report, there is no other evidence placed before the Revenue Divisional Officer, appellate authority or the revisional authority. Further the evidence produced by the petitioner was not at all referred to or discussed. Therefore passing the impugned order is arbitrary and the same is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the order impugned. The matter is remitted to the Revenue Divisional Officer, Narasampet to conduct fresh enquiry into the allegations leveled against the petitioner. The petitioner may be permitted to lead evidence both oral and documentary for the purpose of deciding the issues. The Revenue Divisional Officer shall complete the enquiry within a period of three months from the date of receipt of a copy of this order. However, so far as the authorization and allotment of the shop is concerned, status quo obtaining as on today shall be maintained till disposal of the matter by the Revenue Divisional Officer. No costs.

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06.06.2006

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